

**SENATE JOURNAL
66TH LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 26, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Ellsworth. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Jacobson and McConnell excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

2/26/2019

Correctly printed: **SB 38, SB 124, SB 125, SB 134, SB 212, SB 215, SB 218, SB 236, SB 254, SB 255, SB 258, SB 264, SB 270, SB 274, SB 275, SB 276, SB 278, SB 317, SR 37, SR 38, SJ 10, SJ 12.**

Correctly engrossed: **SB 164, SB 170, SB 178, SB 204, SB 240, SB 253, SB 289, SB 299, SB 301, SB 304.**

Correctly enrolled: **SB 63, SB 77, SB 104, SB 175, SB 196.**

Transmitted to the House: **SB 21, SB 60, SB 158, SB 182, SB 199, SB 213, SB 220, SB 234, SB 252, HB 35, HB 73, HB 94.**

Signed by the Secretary of the Senate at 3:45 p.m., February 26, 2019: **SB 63, SB 77, SB 104, SB 175, SB 196.**

Signed by the President at 4:30 p.m., February 26, 2019: **SB 63, SB 77, SB 104, SB 175, SB 196.**

Delivered to the Governor at 9:35 a.m., February 26, 2019: **SB 39, SB 54, SB 75, SB 83, SB 94.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

2/25/2019

SB 164, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "may"

Insert: "install a device designed to allow an employee to lock or barricade any door when sheltering in place during an emergency response to a threat of school violence and may"

Following: the 2nd "exit"

Insert: "with the device during any emergency response to a threat of school violence"

And, as amended, do pass.

SB 292, do pass.

HB 33, be concurred in.

HB 247, be concurred in.

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JUDICIARY (Regier, Chair):

2/26/2019

SB 282, do pass.

SB 286, do pass.

SB 300, do pass.

SB 302, do pass.

SB 304, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "may"

Insert: "voluntarily"

2. Page 1, line 18.

Following: "may"

Insert: "voluntarily"

3. Page 1.

Following: line 20

Insert: "(4) While carrying a concealed handgun pursuant to this section, a person shall also have in the person's possession a valid permit to carry a concealed weapon."

And, as amended, do pass.

SB 308, do pass.

LOCAL GOVERNMENT (Lang, Chair):

2/25/2019

SB 301, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "road"

Insert: "that is under the jurisdiction of a county and"

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair):

2/25/2019

SB 299, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "REQUIRING"

Insert: "REVISING"

2. Title, page 1, line 6 through line 7.

Strike: "OF" on line 6 through "REVIEWED" on line 7

Insert: "REQUIREMENTS"

3. Title, page 1, line 9.

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Following: "76-22-111,"

Strike: "AND"

Following: "76-22-112,"

Insert: "AND 76-22-118,"

4. Page 1, line 19.

Following: "documents."

Insert: "However, permitting agencies shall apply seasonal use restrictions, as necessary, for discretionary activities at existing land use sites."

5. Page 1, line 28.

Following: "mitigation"

Insert: "reduction or"

Strike: "for tall structures and buried cable"

6. Page 1, line 29 through line 30.

Strike: "If a project" on line 29 through "mitigation if:" on line 30

Insert: "The oversight team shall consider on a case-by-case basis requests for a reduction in or waiver of compensatory mitigation based upon an assessment including but not limited to the following:

(a) the socioeconomic benefit of or service provided by a project that is located at least six-tenths of a mile from the perimeter of an active lek but for which it is economically infeasible to be located more than 2 miles from the center of an active lek;"

Renumber: subsequent subsections

7. Page 2, line 1.

Following: "(a)"

Insert: "whether"

Following: "season;"

Insert: "or"

8. Page 2, line 2 through line 4.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

9. Page 2, line 5.

Following: "(c)"

Insert: "whether"

10. Page 2, line 6.

Strike: ";

Insert: ".

11. Page 2, line 7 through line 12.

Strike: lines 7 through 12 in their entirety

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Insert: "(2) The oversight team shall provide a summary of the reasons why a reduction in or waiver of compensatory mitigation is approved or denied."

12. Page 4, line 12.

Strike: "approve"

Insert: "act upon"

13. Page 4, line 13.

Following: "mitigation"

Insert: "pursuant to [section 2]"

14. Page 4.

Following: line 22

Insert: "(i) work with industry stakeholders to streamline the compensatory mitigation review process, including calculation of reduced mitigation costs for low-impact projects such as trenchless excavation; and

(j) monitor long-term staffing needs to effectively implement this part, as well as the costs and benefits of doing so."

15. Page 7, line 16 through line 29.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

16. Page 8, line 4 through line 5.

Strike: subsection (5) in its entirety

Insert: "(4) A project developer may submit alternative locations for a project to compare the compensatory mitigation requirements of each and choose which alternative to develop based upon that information."

17. Page 8, line 16.

Following: "(2)"

Insert: "(a)"

Strike: "When"

Insert: "During calendar year 2019, when"

18. Page 8, line 17.

Strike: "80%"

Insert: "40%"

19. Page 8.

Following: line 19

Insert: "(b) As part of adaptive management of the habitat quantification tool and compensatory mitigation policies, the oversight team shall evaluate the credit calculation baseline of 40% provided in subsection (2)(a) and determine whether it may be increased."

Insert: "**Section 9.** Section 76-22-118, MCA, is amended to read:

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"76-22-118. Reporting. (1) The oversight team shall report to the governor regularly and provide an annual report to the governor, the environmental quality council, the board of land commissioners, and the county commissions in the counties where projects were funded pursuant to this part. The annual report must include information on activities undertaken pursuant to this part, including but not limited to:

~~(1)~~(a) any appropriation, grant, gift, transfer, bequest, or donation received, including interest in real property;

~~(2)~~(b) each grant awarded and the details of each grant's status and results; and

~~(3)~~(c) any compensatory mitigation activities.

(2) The oversight team shall report to the environmental quality council:

(a) the findings of its review of staffing needs to effectively implement this part, as well as the costs and benefits of doing so, conducted pursuant to 76-22-105(1)(j); and

(b) whether the credit calculation baseline of 40% provided in 76-22-112(2) for perpetual easements may be increased."

Renumber: subsequent sections

And, as amended, do pass.

HB 30, be concurred in.

HB 44, be concurred in.

HB 58, be concurred in.

HJ 4, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

2/25/2019

SB 289, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "CREATING" through "PROVIDE" on line 4

Insert: "PROVIDING"

2. Title, page 1, line 5 through line 7.

Strike: "THE" on line 5 through "AVOID" on line 7

Insert: "SAFE HARBOR FROM"

3. Title, page 1, line 7.

Strike: "PROVIDING RULEMAKING AUTHORITY;"

4. Title, page 1, line 8.

Strike: "AND A TERMINATION DATE"

5. Page 1, line 10 through line 15.

Strike: line 10 through line 15 in their entirety

6. Page 1, line 19 through page 3, line 3.

Strike: section 1 through section 5 in their entirety

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Renumber: subsequent sections

7. Page 3, line 14 through line 15.

Strike: "participating" on line 14 through "5]" on line 15

Insert: "seeking or receiving evaluation, treatment, or support services for a substance use disorder"

8. Page 3, line 29 through line 30.

Strike: "participate" on line 29 through "plan" on line 30

Insert: "seek or receive evaluation, treatment, or support services for a substance use disorder"

9. Page 4, line 8.

Strike: section 9 in its entirety

And, as amended, do pass.

TAXATION (Webb, Chair):

2/26/2019

SB 170, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "CONSIDERED" on line 5 through "AMOUNT OF THE CREDIT" on line 6

Insert: "USED TO CALCULATE THE PHASEOUT OF THE EXEMPTION"

2. Title, page 1, line 7.

Strike: "SECTIONS 15-30-2337 AND"

Insert: "SECTION"

3. Page 1, line 12 through page 2, line 21.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3, line 9.

Strike: "\$1,999"

Insert: "\$4,999"

5. Page 3, line 10.

Strike: "\$2,000 - \$2,999"

Insert: "\$5,000 - \$7,499"

6. Page 3, line 11.

Strike: "\$3,000 - \$3,999"

Insert: "\$7,500 - \$9,999"

7. Page 3, line 12.

Strike: "\$4,000 - \$4,999"

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Insert: "\$10,000 - \$12,499"

8. Page 3, line 13.

Strike: "\$5,000 - \$5,999"

Insert: "\$12,500 - \$14,999"

9. Page 3, line 14.

Strike: "\$6,000 - \$6,999"

Insert: "\$15,000 - \$17,499"

10. Page 3, line 15.

Strike: "\$7,000 - \$7,999"

Insert: "\$17,500 - \$19,999"

11. Page 3, line 16.

Strike: "\$8,000 - \$8,999"

Insert: "\$20,000 - \$22,499"

12. Page 3, line 17.

Strike: "\$9,000 - \$9,999"

Insert: "\$22,500 - \$24,999"

13. Page 3, line 18.

Strike: "\$10,000 - \$10,999"

Insert: "\$25,000 - \$27,499"

14. Page 3, line 19.

Strike: "\$11,000 - \$11,999"

Insert: " \$27,500 - \$29,999"

15. Page 3, line 20.

Strike: "\$12,000"

Insert: "\$30,000"

16. Page 3, line 21.

Strike: "\$35,000"

Insert: "\$30,000"

17. Page 3, line 22.

Strike: "is equal to the credit"

18. Page 3, line 22 through line 29.

Following: "this section"

Insert: "is reduced by 1% for each \$150 increment of gross household income in excess of \$30,000."

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Strike: "multiplied" on line 22 through "0%" on line 29

19. Page 4, line 1.

Strike: "\$1,200"

Insert: "\$1,000"

And, as amended, do pass.

SB 178, introduced bill, be amended as follows:

1. Page 1, line 26.

Following: the second "facility"

Strike: the first "and"

Insert: "that:

(a) has"

2. Page 1, line 28.

Following: "chapter 18"

Insert: "; and

(b) employs at least 15 employees in a full-time capacity"

And, as amended, do pass.

SB 204, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "HOMES"

Insert: ", MANUFACTURED HOMES, OR HOUSETRAILERS"

2. Page 1, line 10.

Following: "home"

Insert: ", manufactured home, or housetrailer"

3. Page 1, line 13.

Strike: "on a permanent foundation"

Insert: "determined to be an improvement to real property, as provided in 15-1-101"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

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SB 20, introduced by R. Webb
SB 25, introduced by M. Blasdel

House bills passed and transmitted to the Senate for concurrence: 2/25/2019

HB 22, introduced by L. Bishop
HB 224, introduced by R. Shaw
HB 229, introduced by B. Hamlett
HB 314, introduced by T. Woods
HB 363, introduced by L. Bishop
HB 407, introduced by B. Brown
HB 413, introduced by F. Anderson
HB 428, introduced by S. Morigeau
HB 434, introduced by L. Sheldon-Galloway
HB 440, introduced by D. Loge
HB 463, introduced by M. Regier
HB 471, introduced by M. Dunwell
HB 473, introduced by D. Lenz
HB 487, introduced by D. Skees

House joint resolution passed and transmitted to the Senate for concurrence: 2/25/2019

HJ 13, introduced by D. Dunn

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 318, introduced by R. Webb, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by L. Bishop (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 224, introduced by R. Shaw, referred to Fish and Game.
HB 229, introduced by B. Hamlett, K. Abbott, D. Ankney, B. Brown, Z. Brown, A. Doane, M. Dunwell, N. Duram, D. Fern, R. Fitzgerald, W. Galt, B. Gillespie, S. Hinebauch, B. Hoven, T. Jacobson, L. Jones, J. Keane, R. Lynch, B. Mercer, S. Morigeau, A. Olszewski, R. Peppers, T. Richmond, T. Runningwolf, S. Sales, C. Schreiner, R. Shaw, J. Small, B. Smith, C. Smith, S. Stewart Peregoy, R. Tempel, G. Vance, G. Vuckovich, M. Weatherwax, S. Webber, J. Welborn, K. White, J. Windy Boy, referred to Natural Resources.
HB 314, introduced by T. Woods, D. Zolnikov, referred to Energy and Telecommunications.
HB 363, introduced by L. Bishop, A. Redfield, referred to Public Health, Welfare and Safety.
HB 407, introduced by B. Brown, referred to Fish and Game.

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HB 413, introduced by F. Anderson, J. Bachmeier, M. Caferro, W. Curdy, M. Funk, B. Grubbs, J. Kassmier, W. McKamey, C. Schreiner, M. Sweeney, M. Weatherwax, P. Webb, McClafferty, Dunwell, referred to Judiciary.

HB 428, introduced by S. Morigeau, referred to Finance and Claims.

HB 434, introduced by L. Sheldon-Galloway, referred to Public Health, Welfare and Safety.

HB 440, introduced by D. Loge, F. Anderson, N. Duram, D. Fern, F. Garner, K. Holmlund, B. Tschida, referred to Highways and Transportation.

HB 463, introduced by M. Regier, J. Keane, R. Lynch, referred to Judiciary.

HB 471, introduced by M. Dunwell, referred to Public Health, Welfare and Safety.

HB 473, introduced by D. Lenz, referred to Judiciary.

HB 487, introduced by D. Skees, referred to Energy and Telecommunications.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 13, introduced by D. Dunn, Olsen, referred to Energy and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 195 - Senator Cohenour moved **SB 195** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Mr President.

Total 32

Nays: Brown, Ellsworth, Esp, Fielder, Howard, Kary, Keenan, Lang, Osmundson, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn.

Total 16

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

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SB 222 - Senator Cohenour moved **SB 222** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Pomnichowski.
Total 1

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 230 - Senator Sands moved **SB 230** do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Gillespie, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Tempel, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Small, Smith C, Smith F, Thomas, Vance, Webb, Welborn, Mr President.
Total 27

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 230 - Majority Leader Thomas moved **SB 230** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Olszewski,

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Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 17

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 244 - Senator Blasdel moved **SB 244** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.

Total 19

Paired: Sesso, Webb, Aye; Jacobson, McConnell, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 248 - Senator Cohenour moved **SB 248** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 40

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Nays: Blasdel, Brown, Esp, Gillespie, Hinebauch, Howard, Lang, Richmond.

Total 8

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 260 - Senator Malek moved **SB 260** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 44

Nays: Ellsworth, Hinebauch, Howard, Kary.

Total 4

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 261 - Senator Sands moved **SB 261** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 43

Nays: Blasdel, Hinebauch, Kary, Vance, Mr President.

Total 5

Paired: None.

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Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 262 - Senator Cohenour moved **SB 262** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 41

Nays: Ankney, Brown, Hinebauch, Hoven, Howard, Vance, Mr President.

Total 7

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 268 - Senator Bogner moved **SB 268** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Hinebauch, Kary.

Total 2

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

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SB 288 - Senator D. Brown moved **SB 288** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Barrett.
Total 1

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 305 - Senator Gauthier moved **SB 305** do pass.

SB 305 - Senator Gauthier moved **SB 305**, second reading copy, be amended as follows:

1. Page 1, line 17.

Following: "ENTITY WITH MORE THAN"

Strike: "5 EMPLOYEES" through "BUSINESS SECTOR"

Insert: "three employees"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Cohenour, Esp, Fielder, Malek.
Total 4

Paired: None.

Excused: Jacobson, McConnell.
Total 2

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Absent or not voting: None.

Total 0

SB 305 - Bill, as amended, passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 35

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Webber.

Total 13

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SJ 6 - Senator Cuffe moved **SJ 6** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 38

Nays: Barrett, Esp, Gross, Malek, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.

Total 10

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

Vote totals include a change of vote from No to Yes by Senator Fielder under Order of Business 9, Motions.

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Majority Leader Thomas moved the committee **rise, report and beg leave to sit again**.
Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 195**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate **suspend joint rule 40-150**, relating to the engrossing of bills, through legislative day 45. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 53 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 33

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Nays: Blasdel, Bogner, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Olszewski, Regier, Salomon, Smith C, Vance, Webb, Mr President.

Total 15

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 93 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Webber.

Total 15

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 38 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.

Total 0

Paired: None.

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Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 124 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.

Total 0

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 134 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.

Total 0

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

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SB 212 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 215 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Blasdel, Brown, Esp, Olszewski, Mr President.
Total 5

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 218 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips,

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Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Bennett.

Total 1

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 236 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.

Total 0

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 254 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.

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Total 0

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 255 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 39

Nays: Blasdel, Brown, Ellsworth, Howard, Kary, Olszewski, Smith C, Vance, Mr President.

Total 9

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 258 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 17

Paired: None.

Excused: Jacobson, McConnell.

Total 2

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Absent or not voting: None.

Total 0

SB 270 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.

Total 0

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 274 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, MacDonald, Malek, McClafferty, Pomnichowski, Smith F, Vuckovich, Webber.

Total 13

Paired: None.

Excused: Jacobson, McConnell.

Total 2

Absent or not voting: None.

Total 0

SB 275 passed as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SJ 10 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Webb, Welborn.
Total 27

Nays: Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Esp, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vance, Vuckovich, Webber, Mr President.
Total 21

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):
SB 240, introduced bill, be amended as follows:

2/26/2019

1. Title, page 1, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "ACT;"

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2. Page 1, line 19.

Strike: "recovery"

Insert: "benefit"

3. Page 1, line 23 through line 24.

Strike: "prevent a" on line 23 through "recovery" on line 24

Insert: "preclude a benefit and allow rescission"

4. Page 1, line 24 through line 25.

Following: "unless" on line 24

Strike: remainder of line 24 through "paid" on line 25

5. Page 1, line 25.

Following: "if"

Insert: "the representations are"

6. Page 2, line 2 through line 4.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

7. Page 2, line 8 through line 10.

Strike: subsection (5) in its entirety

And, as amended, do pass.

SB 269, do pass.

SB 307, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Following: "EFFECTIVE DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 23.

Strike: "public owner"

Insert: "state agency or governing body"

3. Page 2, line 6.

Strike: "a governing body, including"

Following: "state agency"

Insert: "or governing body"

4. Page 2, line 25.

Strike: "entity"

Insert: "party"

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5. Page 3, line 9.

Strike: "public owner"

Insert: "state agency or governing body"

6. Page 3, line 22.

Strike: "a governing body, including"

Following: "state agency"

Insert: "or governing body"

7. Page 4, line 11.

Strike: "entity"

Insert: "party"

8. Page 6, line 28.

Strike: "evaluation and selection of proposals"

Insert: "issuing a request for proposals"

9. Page 7, line 17.

Strike: "entity"

Insert: "party"

10. Page 7, line 20.

Following: line 19

Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates July 1, 2027."

And, as amended, do pass.

SB 311, do pass.

FINANCE AND CLAIMS (Osmundson, Chair):

2/26/2019

SB 30, do pass.

SB 147, do pass.

SB 155, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "39-51-2111," through "42-2-608,"

Following: "45-5-507,"

Insert: "45-5-507, AND"

2. Title, page 1, line 6 through line 7.

Following: "45-5-625," on line 6

Strike: "45-8-221," on line 6 through "52-3-803," on line 7

3. Page 1, line 12 through page 12, line 18.

Strike: section 1 through section 5 in their entirety

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Renumber: subsequent sections

4. Page 13, line 17 through line 21.

Strike: "FOR A" on line 17 through "OFFENSE, THE" on line 21

Insert: "The"

5. Page 15, line 26.

Insert: "Section 2. Section 45-5-507, MCA, is amended to read:

"45-5-507. Incest. (1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.

(2) (a) Consent is a defense to incest with or upon a stepson or stepdaughter, but consent is ineffective if the stepson or stepdaughter is less than 18 years of age and the stepparent is 4 or more years older than the stepson or stepdaughter.

(b) A person who is less than 18 years of age is not legally responsible or legally accountable for the offense of incest and is considered a victim of the offense of incest if the other person in the incestuous relationship is 4 or more years older than the victim.

(3) Except as provided in subsections (4) and (5), a person convicted of incest shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years or be fined an amount not to exceed \$50,000.

(4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000.

(5) (a) If the victim was 12 years of age or younger and the offender was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first ~~40~~ 25 years of a sentence of imprisonment imposed under this subsection (5)(a)(i) except as provided in 46-18-222(1) through (5), and during the first ~~40~~ 25 years of imprisonment, the offender is not eligible for parole. The exception provided in 46-18-222(6) does not apply.

(ii) may be fined an amount not to exceed \$50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(6) In addition to any sentence imposed under subsection (3), (4), or (5), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's

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reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

Renumber: subsequent sections

6. Page 15, line 28.

Strike: "AND CHILD PORNOGRAPHY"

7. Page 15, line 29.

Strike: "AND CHILD PORNOGRAPHY"

8. Page 16, line 25.

Strike: "AND CHILD PORNOGRAPHY"

9. Page 16, line 28.

Strike: "AND CHILD PORNOGRAPHY"

10. Page 17, line 1 through line 2.

Strike: "AND" on line 1 through "CHILD PORNOGRAPHY" on line 2

11. Page 17, line 10 through line 14.

Strike: "FOR A" on line 10 through "OFFENSE, THE" on line 14

Insert: "The"

12. Page 18, line 21 through page 25, line 26.

Strike: section 8 through section 14 in their entirety

Renumber: subsequent sections

And, as amended, do pass.

SB 217, do pass.

SB 315, introduced bill, be amended as follows:

1. Page 1, line 6.

Following: "CHARGED"

Insert: "SOLELY"

2. Page 1, line 30.

Following: "charged"

Insert: "solely"

3. Page 2, line 1.

Following: "incarceration"

Insert: "and the defendant is not charged with any violation of state law for which incarceration is a sentencing option"

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4. Page 3, line 22.

Following: "convicted,"

Insert: "the defendant is not charged with any violation of state law for which incarceration is a sentencing option,"

5. Page 4, line 20.

Following: "[section 1]."

Insert: "If the defendant is also charged with an offense that is a violation of state law for which incarceration is a sentencing option, the obligation of the local government to provide counsel pursuant to this subsection (3)(b) does not apply."

And, as amended, do pass.

STATE ADMINISTRATION (Brown, Chair):

2/26/2019

SB 285, do pass.

SB 291, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "technology are"

Insert: "collected and"

2. Page 1, lines 22 and 23.

Following: "privately"

Strike: "." on line 22 through "13-17-101." on line 23

Insert: ", including the provision of accommodations to provide a physical barrier or other method to ensure that the screen of the device is blocked from the view of other voters in the polling place."

3. Page 2, line 6 through 8.

Strike: "may" through "(ii) providing" on line 8

Insert: "must provide"

4. Page 2, line 11.

Following: line 10

Insert: "(c) Measures may also include encouraging a portion of the nondisabled electors to use the device to cast their ballot."

5. Page 9, line 13.

Following: "that"

Insert: ": (a) is accessible to electors with disabilities;
(b)"

6. Page 9, line 14.

Following: "a voter"

Strike: "and that"

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Insert: "; (c)"

7. Page 9, line 15.

Following: "selections"

Insert: ";

Strike: the first "that"

Insert: "(d)"

Following: "ballot that"

Insert: "displays electors' choices so the elector can confirm the ballot's accuracy and that"

8. Page 10, line 30.

Strike: "and"

9. Page 11, line 1.

Following: "(1)"

Insert: "; and

(d) has been made available for demonstration and use by electors with disabilities in at least one public event held by the secretary of state"

And, as amended, do pass.

SB 295, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "2-18-412,"

Insert: "2-18-601,"

2. Title, page 1, line 8.

Following: "DATE"

Insert: ", A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"

3. Page 1, line 21.

Following: line 20

Insert: "**Section 2.** Section 2-18-601, MCA, is amended to read:

"2-18-601. Definitions. For the purpose of this part, the following definitions apply:

(1) (a) "Accident" means an unexpected traumatic incident or unusual strain that is identifiable by time and place of occurrence and caused by a specific event on a single day or during a single work shift.

(b) The term does not include an employee's suicide.

(1)(2) (a) "Agency" means any legally constituted department, board, or commission of state, county, or city government or any political subdivision of the state.

(b) The term does not mean the state compensation insurance fund.

(2)(3) "Break in service" means a period of time in excess of 5 working days when the person is not employed and that severs continuous employment.

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~~(3)~~(4) "Common association" means an association of employees established pursuant to 2-18-1310 for the purposes of employer and employee participation in the plan.

~~(4)~~(5) "Continuous employment" means working within the same jurisdiction without a break in service of more than 5 working days or without a continuous absence without pay of more than 15 working days.

~~(5)~~(6) "Contracting employer" means an employer who, pursuant to 2-18-1310, has contracted with the department of administration to participate in the plan.

~~(6)~~(7) "Employee" means any person employed by an agency except elected state, county, and city officials, schoolteachers, members of the instructional or scientific staff of a community college, persons contracted as independent contractors or hired under personal services contracts, and student interns.

~~(7)~~(8) "Full-time employee" means an employee who normally works 40 hours a week.

~~(8)~~(9) "Holiday" means a scheduled day off with pay to observe a legal holiday, as specified in 1-1-216 or 20-1-305, except Sundays.

~~(9)~~(10) "Member" means an employee who belongs to a voluntary employees' beneficiary association established under 2-18-1310.

~~(10)~~(11) "Part-time employee" means an employee who normally works less than 40 hours a week.

~~(11)~~(12) "Permanent employee" means a permanent employee as defined in 2-18-101.

~~(12)~~(13) "Plan" means the employee welfare benefit plan established under Internal Revenue Code section 501(c)(9) pursuant to 2-18-1304.

~~(13)~~(14) "Seasonal employee" means a seasonal employee as defined in 2-18-101.

~~(14)~~(15) "Short-term worker" means:

(a) for the executive and judicial branches, a short-term worker as defined in 2-18-101;
or

(b) for the legislative branch, an individual who:

(i) may be hired by a legislative agency without using a competitive process for an hourly wage established by the agency;

(ii) may not work for the agency for more than 6 months in a continuous 12-month period;

(iii) is not eligible for permanent status;

(iv) may not be hired into a permanent position by the agency without a competitive selection process;

(v) is not eligible to earn the leave and holiday benefits provided in this part; and

(vi) may be discharged without cause.

~~(15)~~(16) "Sick leave" means a leave of absence with pay for:

(a) a sickness suffered by an employee or a member of the employee's immediate family; or

(b) the time that an employee is unable to perform job duties because of:

(i) a physical or mental illness, injury, or disability;

(ii) maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;

(iii) parental leave for a permanent employee as provided in 2-18-606;

(iv) quarantine resulting from exposure to a contagious disease;

(v) examination or treatment by a licensed health care provider;

(vi) short-term attendance, in an agency's discretion, to care for a relative or household

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member not covered by subsection ~~(15)(a)~~ (16)(a) until other care can reasonably be obtained;

(vii) necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or

(viii) death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

~~(16)~~(17) "Student intern" means a student intern as defined in 2-18-101.

~~(17)~~(18) "Temporary employee" means a temporary employee as defined in 2-18-101.

~~(18)~~(19) "Transfer" means a change of employment from one agency to another agency in the same jurisdiction without a break in service.

~~(19)~~(20) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer.""

Renumber: subsequent sections

4. Page 4, line 22.

Strike: "[section 5]"

Insert: "[section 6]"

5. Page 5, line 10.

Strike: "[Section 5]"

Insert: "[Section 6]"

6. Page 5, line 11.

Strike: "[section 5]"

Insert: "[section 6]"

7. Page 5, line 14.

Following: line 13

Insert: "NEW SECTION. Section 9. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to July 1, 2017."

Insert: "NEW SECTION. Section 10. Termination. [This act] terminates July 1, 2023."

And, as amended, do pass.

SB 310, introduced bill, be amended as follows:

1. Page 1, line 26.

Following: "(c)"

Insert: "the legislative audit committee and the legislative auditor;
(d)"

And, as amended, do pass.

Without objection, committee reports were adopted.

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Majority Leader Thomas moved the Senate recess until 4:45 p.m. this date. Motion carried.
Senate recessed at 2:24 p.m.

Senate reconvened at 4:45 p.m. President Sales presiding.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/26/2019
SJ 16, do pass.
HB 112, be concurred in.
HB 142, be concurred in.
HB 151, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/26/2019
SR 34, be adopted.
SR 35, be adopted.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/26/2019
SB 228, introduced bill, be amended as follows:

1. Page 1, line 20 through line 21.
Strike: "that is operated" on line 20 through "of this state" on line 21

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/26/2019
SB 209, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Following: "52-2-112" on line 6
Strike: ", 53-1-603," on line 6 through line 7
Insert: "AND"

2. Title, page 1, line 7.
Strike: "AND 53-20-205,"

3. Page 1, line 19.
Strike: "week"
Insert: "month"
Following: "12,000"
Insert: ", as determined by the most recent federal population census"
Strike: "and"

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4. Page 1, line 20.

Strike: "week"

Insert: "month"

Strike: "or more."

Insert: "to 15,000, as determined by the most recent federal population census; and"

5. Page 1.

Following: line 20

Insert: "(c) with at least four employees, at least 4 days a week in a county with a population of 15,000 or more, as determined by the most recent federal population census.

(3) If client demand warrants, one or more employees based in a county described in subsection (2)(c) may be temporarily assigned to an adjoining county to cover a workforce shortage in the adjoining county.

(4) The department shall prepare a report regarding the annual number of hours staffed and number of clients served in each county office, to be provided to the children, families, health, and human services interim committee by October 3, 2020. The department shall provide an internet version of the report free of charge to the public and shall charge a fee for paper copies that is commensurate with the cost of printing the report."

Renumber: subsequent subsections

6. Page 1, line 23 through page 2, line 12.

Strike: section 2 in its entirety

Renumber: subsequent sections

7. Page 2, line 22.

Strike: "2 days"

Insert: "1 day"

Strike: "week"

Insert: "month"

8. Page 2, line 23.

Strike: "4"

Insert: "2"

Strike: "week"

Insert: "month"

9. Page 2, line 25 through page 3, line 17.

Strike: section 4 in its entirety

Renumber: subsequent sections

And, as amended, do pass.

SB 267, do pass.

Without objection, committee reports were adopted.

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MOTIONS

Senator Fielder moved to change her second-reading vote on **SJ 6** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved that **SB 209**, reported out of committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to **suspend Senate rule 40-60**, related to scheduling second reading, through the fiftieth legislative day. Without objection, so ordered.

Senator Brown moved that **SB 259** be taken from the Fish and Game Committee and placed on second reading. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 22

Paired: None.

Excused: Jacobson, Lang, McConnell, Osmundson.
Total 4

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the Senate adjourn until 10 a.m., Wednesday, February 27, 2019, the forty-second legislative day. Motion carried.

Senate adjourned at 4:54 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate